

UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA

MAJOR GEORGE TILLERY

Petitioner

v.

KENNETH EASON, *Superintendent, State  
Correctional Institution at Chester*, et al.

Respondents.

CIVIL ACTION

No. 20-cv-02675-PBT

**PETITIONER'S RESPONSE IN OPPOSITION TO RESPONDENTS' FOURTH  
MOTION FOR EXTENSION OF TIME TO RESPOND TO COUNSELED AMENDED  
PETITION FOR WRIT OF HABEAS CORPUS**

1. This matter is now before the Court on the Respondent's Fourth Motion to extend time to respond to the Amended Petition for a Writ of Habeas Corpus.

2. The pleading that is currently awaiting a response is the Petitioner's Counseled Amended Petition (ECF No. 28) which was filed on June 2, 2022

3. On July 13, 2022, this Court entered an Order (ECF No. 32) requiring that the Respondents file their response to the Counseled Amended Petition on or before August 12, 2022.

4. On August 12, 2022, instead of filing a response to the Counseled Amended Petition, Respondents filed a motion seeking to extend their response deadline by ninety days (ECF No. 35).

5. On August 16, 2022, this Court granted the first motion to extend time and entered an Order requiring that the Respondents file their response to the Counseled Amended Petition no later than November 10, 2022 (ECF No. 37).

6. On November 10, 2022, instead of filing a response to the Counseled Amended Petition, Respondents filed another motion to extend their response deadline (ECF No. 38). That Motion was granted over the Petitioner's Opposition and Respondents were ordered to file their response on or before December 12, 2022 (ECF No. 39).

7. On December 12, 2022, instead of filing the response, Respondents again filed a Motion seeking to extend their deadline, this time by sixty days (ECF No. 40).

8. The purported purpose of the third motion to extend time was the discovery by Respondents of "approximately 20 boxes" which require "complete review."

9. On December 16, 2022, Respondents' third motion to extend time was granted over Petitioner's Objection, and Respondents were Ordered to file their response on or before February 10, 2023 (ECF No. 43).

10. On January 4 and 6, 2023, Petitioner completed his review of the contents of the aforementioned boxes when representatives of Petitioner's counsel were permitted to review and designate for copying portions of the contents of the aforementioned boxes. Copies were received from Respondent on January 19, 2023.

11. Although Petitioner's representatives were given more than enough time to complete their review, it should be noted that such review was conducted at the pleasure of the Philadelphia District Attorney's Office in its capacity as counsel for the Respondents.

12. Counsel for Respondents has had unimpeded access to these materials during the entire pendency of Petitioner's claim, and certainly has had knowledge of the potential for meaningful documents contained therein for the past sixty days.

13. When Respondents filed their third motion to extend time, they represented to the Court that sixty days would be sufficient for such review to be completed (ECF No. 40).

14. On February 10, 2023, instead of filing the response pursuant to the Court's Order of December 16, 2022 (ECF No. 43), Respondents filed the instant fourth motion to extend time.

15. The purported reason that for this fourth motion is the existence of a short memorandum and supporting documents copied from the aforementioned boxes and filed by Petitioner on February 8 and 9, 2023 (ECF Nos. 44 and 45).

16. The aforementioned filings by Petitioner emphasized that none of the material presented any new arguments and only added support to arguments that Petitioner submitted to this Court more than six months ago.

17. The documents Petitioner attached to ECF Nos. 44 and 45 were always in respondents' possession and were the subject of a prior Court Order (ECF No. 43) granting the Respondents sixty days to review.

18. The materials which Respondents say they need more time to review consist entirely of documents that have been in Respondents' possession for decades. Also, Respondents have known which documents were designated for copying and distribution in discovery since those designations were made in the Philadelphia District Attorney's Office by Petitioner's representatives in early January 2023.

WHEREFORE, Petitioner Major G. Tillery, respectfully requests that this Honorable Court deny the Fourth Motion to Extend Time and Order Respondents to file their Response within five days of the date of the Court's Order.

Date: February 12, 2023

Respectfully submitted,

MARRONE LAW FIRM

By: Michael Pomerantz  
Michael D. Pomerantz, Esquire  
Pa Attorney No. 83415

200 South Broad, Ste. 400  
Philadelphia, PA. 19102  
(215) 732-6700 – Phone  
(215) 732-7660 – Fax  
[mpomerantz@marronelaw.com](mailto:mpomerantz@marronelaw.com)

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**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2023, upon consideration of the Respondent's Fourth Motion to Extend Time to File a Response to the Amended Petition, and the Petitioner's opposition thereto, it is hereby ORDERED and DECREED that the Motion is DENIED. It is FURTHER ORDERED AND DECREED that Respondents shall file their response to the Amended Brief within five days of the date of this Order.

BY THE COURT:

\_\_\_\_\_  
J.

**CERTIFICATE OF SERVICE**

I hereby certify that I have filed the within Opposition to the Respondents' Fourth Motion to Extend Time with the Court's Electronic Filing System, making it available for all parties to review.

Date: February 12, 2023

MARRONE LAW FIRM

By: *Michael Pomerantz*  
Michael D. Pomerantz, Esquire  
Pa Attorney No. 83415  
200 South Broad, Ste. 400  
Philadelphia, PA. 19102  
(215) 732-6700 – Phone  
(215) 732-7660 – Fax  
[mpomerantz@marronelaw.com](mailto:mpomerantz@marronelaw.com)